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## COPIES

OF ORDINANCES passed by the Lieutenant-Governor and Council of the North-West Territories, on the 2nd August, 1878, and laid before the Honorable the Senate and the House of Commons, in pursuance of the 3rd sub-section of the 7th Section of 40 Victoria, chap. 7.

J. C. AIKINS,

*Secretary of State.*

DEPARTMENT OF THE SECRETARY OF STATE,

OTTAWA, 1st April, 1879.

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No. 1 of 1878.

### AN ORDINANCE RESPECTING REVENUE AND EXPENDITURE.

[*Passed 2nd August, 1878.*]

Be it enacted by the Lieutenant-Governor of the North-West Territories in Council, as follows:—

1. All duties, revenues, license fees, fines, penalties and moneys whatsoever, of the North-West Territories, over which the Lieutenant-Governor in Council has or hereafter may have the power of appropriation, shall form one fund to be called "The General Revenue Fund of the North-West Territories," to be appropriated for the public service of the said Territories in the manner and subject to the charges hereinafter mentioned.

2. The said fund shall be permanently charged, subject to revision and audit as may be directed by Ordinance or Order of the Lieutenant-Governor in Council, with all the costs, charges and expenses incident to the collection, management, receipt and disbursement thereof.

3. The Lieutenant-Governor in Council may, from time to time, order and determine in what one or more of the chartered banks of Canada the public funds hereinbefore referred to, or any part thereof, shall be deposited and kept, subject to immediate call or at interest, as also the manner in which such funds may, from time to time, be chequed out and withdrawn.

4. The Lieutenant-Governor in Council may, from time to time, determine what officers or persons it is necessary to employ for any of the purposes mentioned in this Ordinance, assign their names of office, prescribe their duties, grant salaries or pay for their services, make the necessary appointments and exact such securities from such officers and persons as may be deemed proper.

5. Until it be deemed expedient to appropriate in detail by Ordinance the General Revenue fund of the said Territories, the Lieutenant-Governor in Council may by order, from time to time, appropriate said fund, or any portion thereof, for any purpose or purposes of public utility in the said Territories; and a statement of such expenditure shall, by the proper officer, be laid before the Council of the North-West Territories at every successive Legislative Session thereof.

A true copy of Ordinance passed by the Lieutenant-Governor of the North-West Territories in Council, on the 2nd day of August, A.D. 1878, which I certify.

(Signed) A. E. FORGET,  
Clerk of Council, N.W.T.

No. 2 of 1878.

# AN ORDINANCE RESPECTING PUBLIC PRINTING.

[Passed 2nd August, 1878.]

Be it enacted by the Lieutenant-Governor of the North-West Territories in Council, as follows:—

1. It shall be lawful for the Lieutenant-Governor to appoint a Queen's Printer or Printer to the Government of the North-West Territories.

2. Any official order, notice, or advertisement required to be given by the Lieutenant-Governor or the Government of the North-West Territories, or any officer thereof, or by any sheriff or by any municipal authority or officer purporting to be printed by the said Printer, whether printed on separate sheets or in an official gazette, to be called "The North-West Territories Gazette" (which may be issued from time to time), shall be *prima facie* evidence of such order, notice or advertisement having been issued by lawful authority.

A true copy of Ordinance passed by the Lieutenant-Governor of the North-West Territories in Council, on the 2nd day of August, A.D. 1878, which I certify.

(Signed) A. E. FORGET,  
Clerk of Council, N.W.T.

No. 3 of 1878.

# AN ORDINANCE TO REPEAL THE ORDINANCE FOR THE PROTECTION OF THE BUFFALO.

[Passed 2nd August, 1878.]

Be it enacted by the Lieutenant-Governor of the North-West Territories in Council, as follows:—

The Ordinance No. 5 of 1877, intituled "An Ordinance for the protection of the Buffalo," is hereby repealed.

A true copy of Ordinance passed by the Lieutenant-Governor of the North-West Territories in Council, on the 2nd day of August, A.D. 1878, which I certify.

(Signed) A. E. FORGET,  
Clerk of Council, N.W.T.

No. 4 of 1878.

## AN ORDINANCE RESPECTING THE ADMINISTRATION OF CIVIL JUSTICE.

[Passed 2nd day of August, 1878.]

Whereas it is expedient to provide for the Administration of Civil Justice in the North-West Territories;

Be it therefore enacted by the Lieutenant-Governor of the North-West Territories in Council, as follows:—

## JUDICIAL DISTRICTS.

1. There are hereby formed in the North-West Territories, three Judicial Districts, to be known and distinguished respectively by the names and comprised within the limits following:

(1.) The "Saskatchewan District" shall comprise all of the Territories bounded on the west, south and west by Alaska and British Columbia; and on the south-west south and south east by the Red Deer River, the south branch of the River Saskatchewan and the River Saskatchewan from the junction of the two branches thereof, until the said river strikes the District of Keewatin; on the east by Keewatin, and on the north by the northern boundary of the Territories.

(2.) The "Bow River District," shall comprise all the Territories bounded on the north by the Red Deer and south branch of the Saskatchewan Rivers flowing eastward until the one hundred and eighth meridian of west longitude is reached; on the east, the said one hundred and eighth meridian of west longitude; on the south by the southern boundary of the Territories, and on the west by British Columbia.

(3.) The "Qu'Appelle District" shall comprise all of the Territories bounded on the east by the District of Keewatin and the Province of Manitoba; on the south by the southern boundary of the Territories; on the west by the one hundred and eighth meridian of west longitude, south of the south branch of the River Saskatchewan; and on the north-west and north by the south branch of and the main Saskatchewan River.

(4.) The Lieutenant-Governor may divide any one or more of the said Judicial Districts into two or more divisions, define the limits and extent of such Divisions, number them, beginning with number one, and from time to time alter the limits and extent of such Divisions.

2. Courts of Civil Jurisdiction shall be held in every Judicial District and in every Division thereof appointed as aforesaid; such Courts shall be Courts of Record styled District Courts, and where divisions are created as hereinbefore provided, the words Division No. with the appropriate number in each case, shall be added after the word "Court." Every such Court shall have a seal to be approved by the Lieutenant-Governor, and every process shall be sealed or stamped with the seal of the Court from which it is issued.

3. The Stipendiary Magistrate resident in the Judicial District shall preside over the several Courts in such district, sittings whereof shall be held at least twice in each year, at such times and places as the said Stipendiary Magistrate shall fix and appoint from time to time.

## JURISDICTION

4. Subject to the provisions of "The North-West Territories Acts, 1875 and 1877," and any amendments thereto at any time or times, or any other Act of Parliament of Canada made or passed, the said Courts shall respectively have jurisdiction over all matters of civil law and equity, all matters of wills and intestacy, and shall possess such powers in relation to local jurisdiction as in the Province of Ontario are vested in and distributed among the several Courts of Law and Equity and the Surrogate Courts:

5. The Stipendiary Magistrate resident in the several judicial districts shall have the power of appointing a Clerk for each of the said Courts, whose office shall be held at such place as such Stipendiary Magistrate may from time to time designate.

6. Every Clerk before assuming the duties of his office shall, before a Stipendiary Magistrate, take the oath of allegiance and the oath of office prescribed by form "A" of the Appendix at the end of this Ordinance, and give such security as may be approved of by the Stipendiary Magistrate in five hundred dollars, such security to be covenant in the form "B" of the Appendix at the end of this Ordinance, one duplicate of which covenant, and the oaths aforesaid, shall be filed with the Stipendiary Magistrate, and the other duplicate in the Registry-Office for Deeds.

7. Such covenant shall be available to, and may be sued upon for any default, breach of duty, or misconduct of any such Clerk, and a copy of every such covenant certified by either the Registrar or Stipendiary Magistrate shall be received in Court as sufficient *prima facie* evidence of the due execution, and of the contents thereof.

8. If any surety in any such covenant dies or becomes insolvent, the Clerk for whom such person became surety shall, within one month after the happening of such death or insolvency, give fresh security in the same manner as hereinbefore provided.

9. Each Clerk may from time to time, when prevented from acting by illness, absence or unavoidable accident, appoint a Deputy Clerk to act for him, with all the powers and privileges, and subject to the like duties as such clerks; and such Clerk and his sureties shall be responsible for all the acts and omissions of the Deputy.

10. The duties of the Clerk shall be:—

(1). To receive all complaints and other papers required by suitors to be filed in Court on payment of the proper fees, to issue all writs of summons, warrants, subpoenas, precepts, writs of execution and other documents rendered necessary or requisite for the effectual disposition of such matters; tax costs, enter judgments and register all judgments and orders pronounced; given and made; keep an account of all fines, fees and money payable or paid into Court, and of all suitors money received by him as such Clerk, entering each sum in a proper cash-book to be kept for such purpose, to keep a record or docket book, in which shall be entered regularly, under separate headings, all the proceedings taken in any suit, all moneys received and paid out, and the persons to whom and by whom the same have been paid, which book shall be accessible at all times to suitors and the public; and to do and perform all such other acts and duties as may be necessary for the due administration of Civil Justice in the Territories.

(2). To make a return on the first days of the months of January and July in each year, verified by his oath (which oath shall be taken before a Stipendiary Magistrate or Justice of the Peace), to the Lieutenant-Governor, in such form as he may order, shewing all proceedings had in his office, or before the Court at any sitting thereof held, as also all moneys received and paid out (specifying the parties by or to whom, and the purpose) during the six months then next preceeding, keeping a duplicate thereof similarly verified on file in the Court Office.

#### PROCEDURE.

11. The Clerk on receiving from any person (who will thereafter be styled the Plaintiff) a plain statement in writing of his complaint or cause of action, or particulars of his claim, in the form of an account, and in case of a trespass or wrong, a like plain statement of the trespass or wrong complained of, with the amount of damages claimed against any other person (thereafter to be styled the Defendant) together with the place of residence, temporary or otherwise, of both parties, shall file the same in his office, and issue a summons in the form "C" of said appendix, and (making as many copies of the same as there are defendants, with a clear copy of the complaint or demand attached to the original summons and each copy) transmit or deliver the same to the proper officer for service and return.

12. Service of summons may be as follows :—

(1.) The summons to appear may be served anywhere in the North-West Territories, and the service shall be personal, except in matters of account; when the amount claimed does not exceed fifty dollars, in which case service may be on the defendant, his wife, or servant, or some grown reasonable person, being an inmate of defendant's dwelling-house or usual place of abode, trading or dealing.

(2.) In case any defendant is resident out of the North-West Territories, but has an agent, managing clerk, or other representative resident and carrying on his business within the same, service of the summons to appear may be made on such agent, managing clerk, or other representative, who for the purpose of being served with the summons or any other proceeding in the action requiring service on a defendant shall be deemed the agent of such Defendant.

(3.) Upon a Stipendiary Magistrate being satisfied that there is cause of action which arose in the North-West Territories, or in respect of a breach of contract made therein, and that the summons to appear has been served personally on the defendant without the said Territories, or that reasonable efforts have been made to effect personal service on the defendant, and it came to his knowledge, or that he is living outside of the said Territories in order to defeat or delay his creditors, such Stipendiary Magistrate, may from time to time, direct that the plaintiff shall be at liberty to proceed in the action in such manner, and subject to such conditions, as to such Stipendiary Magistrate may seem fit; and every affidavit to enable the Stipendiary Magistrate to direct proceeding under this sub-section, may be made before any official competent to take affidavits in proof of the execution of deeds of land for registration; but in every such action the plaintiff, before obtaining judgment, shall prove his claim as if the same was contested.

(4.) Every summons issued against a corporation, and all other proceedings in an action against a corporation requiring service on a defendant, may be served on the president or other head officer, or on the cashier, manager, treasurer or secretary, clerk, agent or other representative, by whatsoever name or title he be known of such corporation, or of any branch or agency thereof, in the North-West Territories; and every person who, within the said Territories, transacts or carries on any of the business of or for any corporation, whose chief place of business is without the said Territories, shall for the purpose of being served with a summons to appear, or any other proceedings as aforesaid, in an action against or at the suit of such corporation, be deemed the agent thereof.

13. On receiving a return of such summons, with an affidavit of service upon the defendant, in the form "D" of the said Appendix, the Clerk shall file away the same, and enter the case upon a schedule to be regularly kept in his office, and called the "Court List."

14. All periods and places for the holding of the said Court shall be advertised by the said Clerk and in the most public manner possible, and at all sittings the Clerk shall be in attendance with the Court list, and all original papers on file in his office in any cases named in such list.

15. The Clerk shall, on payment of the proper fees, fill up and issue such writs of subpoena (which may be in the form "E" of the said Appendix), and copies as may be required by the suitors.

16. All affidavits of service may be taken before the Clerk or a Justice of the Peace.

17. Suits shall in general be entered and tried in the Court holden in the Judicial District or Division where the cause of action arose, or in which the defendant or one of several defendants resides, or carries on business at the time the action was brought, but any such suits may be entered, tried and determined at the Court, the place of sitting whereof is the nearest to the residence of the defendant, notwithstanding that the defendant may at such time reside in a Judicial District or Division, other than that in which such last-named Court is situate.

18. In cases where service is effected within the Judicial District in which the Court is held, service of the summons to appear shall be made at least

twenty days before the sittings of the Court named in this summons, and in all other cases thirty days.

19. A plaintiff failing to attend the trial of his cause may, unless sufficient excuse to the satisfaction of the presiding Stipendiary Magistrate be shown, or appearing and failing to establish his cause, be non-suited, and on a defendant failing to appear on a trial without sufficient excuse to the Stipendiary Magistrate be given, the plaintiff may proceed in his absence.

20. Trials may be postponed on the application of either party on sufficient grounds therefor being shown to the presiding Stipendiary Magistrate, on such terms as to the payment of costs or otherwise, as may be ordered.

21. The Stipendiary Magistrate shall, in each case tried by him, make and deliver a written judgment, and the same shall be regularly fyled by the Clerk; and in cases where by law appeals are allowed, he shall return to the Clerk the evidence taken on such trials.

22. Whenever from illness or other casualty the Stipendiary Magistrate appointed to hold a Court fails to attend at the time appointed therefor, the Clerk at five o'clock in the afternoon of the day so appointed, shall adjourn such sitting by proclamation to same hour on the following day, to be by him named, and so on from day to day (but not exceeding six days) until the Stipendiary Magistrate who is to hold such sitting, as aforesaid, is able to hold the same, or until he receives other directions from such Stipendiary Magistrate; but if after the expiration of the said period of six days the said Stipendiary Magistrate has not arrived, or he be still unable to attend, he shall adjourn the Court to the next regular sitting of the same, and the Clerk, on making any such adjournment, shall forthwith notify the Lieutenant-Governor thereof, whereupon the Lieutenant-Governor may request the Stipendiary Magistrate of another district to proceed to the place named and hold such Court, at a time to be specially appointed for that purpose by the last-named Stipendiary Magistrate.

23. The Stipendiary Magistrate in any Judicial District may, if he sees fit, hold any Court and perform any judicial duties in any district other than his own on being requested so to do by the Stipendiary Magistrate to whom the duty, for any reason, belongs.

#### APPEALS.

24. In civil cases where, by law, appeals are authorized; any suitor desiring to appeal may do so at any time before execution of judgment by leaving with the Clerk a notice of appeal, and furnishing such security as the Stipendiary Magistrate, who tried the case, may direct.

25. Upon such security being given, all the original papers, including the evidence taken, exhibits fyled, and judgment or decision given, shall be forwarded without delay by the Clerk to the Court of Appeal.

26. Pending such appeal, all proceedings in the original case shall be stayed.

27. On any judgment in appeal being pronounced, such proceedings shall be taken by the Clerk as will carry into effect the orders made by the Court in Appeal.

#### JUDGMENT AND EXECUTION.

28. Judgments of the Court shall be entered by the Clerk, making up a judgment paper following the form "F." of the Appendix at the end of this ordinance, according to circumstances, and also entering the same in the Docket or Record Book; and such entry shall be a good and sufficient judgment and record thereof.

29. Judgments of any Court may be transferred to and become judgments of any other Court upon a transcript of the judgment or proceedings in the first named Court being made, signed, and sealed by the Clerk with the seal of the Court; which transcript, upon delivery to the Clerk of any other Court, shall be fyled and entered by him in his procedure book, and shall then become a judgment of such last-named Court, whereupon all proceedings may be had and taken as on any other judgment of that Court.

30. In case of non-payment of the amount of any judgment, or some part thereof, within thirty days after the entry of the same, or as directed by the Stipendiary Magistrate who tried the case, the Clerk shall, at the request of the party in whose favor the said judgment has been entered, issue a writ of execution in the form "(1" of said Appendix for the levying of the amount due on the said judgment and costs, by distress and sale of the goods and chattels and personal property (not exempt from seizure thereunder) of the party against whom the said judgment has been so entered.

31. Such execution shall be in force twelve months from the date of the issue thereof, but no sales of personal property seized thereunder shall be made without such sale being advertised for at least ten days' by public notice thereof, describing the property to be sold, in not less than three public places in the neighborhood.

32. Upon a return of any execution against goods and chattels *nulla bond*, the party in whose favor the same is issued may, if over fifty dollars of his judgment remains unsatisfied, have an execution against the lands and tenements of the judgment debtor for such balance in the said form "G," but no sales of any lands or interest therein shall be made until after six months from the date of such execution, nor until three months' notice of such sale has been posted in a conspicuous place in the Clerk's office, and at the police station nearest the land intended to be sold, and on the said land.

33. Goods, chattels, personal property, lands and interests therein, shall be bound by the delivery of process against the same respectively to the officer entrusted with the execution thereof.

34. Witnesses attending the trial of any cause, whether subpoenaed or not, shall be entitled to receive one dollar for every day's attendance in Court, with ten cents mileage for every mile necessarily travelled in going to, or returning from the Court; and the Clerk, on entering final judgment, shall add to the costs on taxation such sum for witness fees, as also such allowance to either suitor not exceeding regular witness fees, as shall be certified by the Stipendiary Magistrate who tried the cause.

35. Minors may sue for wages in the same way as if of full age.

36. As far as possible consistently with the circumstances of the country, the laws of evidence and the principles which govern the administration of justice in the Province of Ontario, shall obtain in the Courts; but in all cases the evidence of now Christian Indian witnesses shall be admissible, taken in conformity with sections 74 and 78 of the "Indian Act, 1876," of Canada, which sections are hereby declared to be part and parcel of this Ordinance.

37. The Clerks and other officers of the said Courts, except the Stipendiary Magistrates, shall be paid by fees, in accordance with the Schedule in the Appendix, at the end of this Ordinance.

38. All processes required to be executed by the sheriff shall be executed by himself or some one duly appointed by him in writing, or by some person duly authorized by the Stipendiary Magistrate in writing, and all other processes, including subpoenas may be served by the sheriff, his officers, or any literate person.

39. Every person proved in open Court to have been served with a copy of a subpoena, and to whom at the same time a tender of his lawful expenses is made, who refuses or neglects without sufficient cause to obey the subpoena; and every person in Court called upon to give evidence, who refuses to give evidence, shall pay such a fine not exceeding twenty dollars, as the Stipendiary Magistrate presiding at the sitting of the said Court at which the cause wherein such person is required as a witness, may impose, and in default of payment of such fine, be imprisoned for any time not exceeding ten days.

40. Prosecutions for anything done under authority of this Ordinance must be commenced within three months after the fact committed.

41. All moneys recovered or arising from any source under this Ordinance shall be paid over immediately after receipt thereof to the Clerk, to be by him accounted for as herein provided.



42. In case of a debt or demand against two or more persons, partners in trade or otherwise jointly liable, but residing in different judicial districts, or one or more of whom cannot be found, one or more of such persons may be served with process; and judgment may be obtained and execution issued against the person served, notwithstanding others jointly liable have not been served or sued, reserving always to the person or persons against whom execution issues, his or their right to demand contribution from any other person jointly liable with him or them; and whenever judgment has been so obtained against any such partner, and the Stipendiary Magistrate certifies that the demand proved was strictly a partnership transaction, the officer charged with the execution of final process, in order to satisfy such judgment and costs, may seize and sell the property of the firm, as well as that of the defendants who have been served.

43. Until regular gaols or lock-ups have been established in the North-West Territories for confining persons sentenced to imprisonment under the provisions of this or any other Ordinance or law, such imprisonment may be directed to be enforced at any of the Police Stations in the said Territories; and the Commissioner of Police is hereby authorized to make rules and regulations for enforcing order and discipline, and for fixing the rations and sustenance of prisoners, which rules and regulations, having been approved of by the Lieutenant-Governor, shall have the force of law.

44. During the lives of parties to a judgment, or any of them, execution may issue at any time within six years from the recovery of such judgment without the revival thereof; but no execution or other process shall issue on a judgment more than six years old without the leave of a Stipendiary Magistrate in writing, but no notice to the party against whom such execution is sought previously to applying for such leave shall be necessary, and such leave shall be expressed on the execution, "issued by leave of—."

45. Any judgment, in case of the death of the parties entitled thereto, or liable thereon, may be revived by the parties claiming to be entitled to have execution thereon, by suing out an ordinary summons, the claim or demand attached to which shall be for the revival thereof, and shew briefly the grounds on which such revival is sought, and thereupon the like proceedings shall follow, as in other cases entered in the Court.

46. Where one or more of several plaintiffs or defendants shall die before judgment, the action shall not abate, if the cause of action survive, to or against the surviving party, and where one or more of several plaintiffs or defendants shall die after judgment, proceedings may be taken thereon by the survivors or survivor without leave of the Court.

47. In any case in which the claim or demand of the plaintiff is for the recovery of the possession of real estate, upon judgment for the plaintiff, the same shall be executed by the Clerk issuing a writ of "*Habere facias possessionem*," in the form "H" of the Appendix to this Ordinance, but the person against whom such writ is issued shall not be turned out of possession until after fifteen days' notice to remove therefrom has been given him by the officer charged with the execution of such writ.

48. *Alias* and *Pluries* Writs of Summons and Execution may be issued in all cases.

#### ABSCONDING DEBTORS.

49. In case any person being indebted in a sum of not less than twenty dollars for debt or damages arising upon any contract expressed or implied, or upon any judgment, the Clerk, upon receiving an affidavit made before any Justice of the Peace, or before himself by any creditor of such person, or his agent, of the nature and amount of such indebtedness, and that such debtor has absconded from the North-West Territories leaving personal property liable to seizure under execution for debt in the said Territories, or keeps concealed to avoid service of process, or is about to remove or transfer any of his property, effects or credits from any judicial

district, or has assigned, transferred, disposed of, or secreted, or is about to assign, transfer, dispose of or secrete any of such property, effects, or credits with intent to delay, defeat, or defraud his creditors, shall issue a warrant or writ of attachment under the seal of the Court in the form "I" of said Appendix, directed to the Sheriff, commanding him to attach, seize, take and safely keep all the personal property and effects of such debtor liable to seizure under execution, or a sufficient portion thereof to secure the claim sworn to and costs, and to return such warrant to the Clerk.

50. If no summons has previously issued the issue of such attachment shall be considered the commencement of the action, but no further proceedings shall be had (except in the case of perishable goods) until twenty days after the return to the Clerk of the said warrant; and a copy of every such warrant or writ of attachment shall be served on the debtor against whose effects the same is issued at the time of making any seizure thereunder, or as soon thereafter as such service can be effected, if the said debtor can be found, but if such personal service cannot be effected, a copy thereof shall be left with some grown up person resident at the place where such seizure is made, or if no person is resident, posted in a conspicuous place on the premises.

51. With the return of any such warrant or writ of attachment the officer charged with the execution thereof shall transmit annexed thereto an inventory of the property seized, and the value thereof according to the best of his judgment, and an affidavit of the manner in which service of such writ has been effected, whereon the case shall be entered on the Court list for trial and proceedings conducted to judgment and execution as in ordinary cases.

52. Upon the seizure of any property under the warrant hereinbefore described, the person against whom the same was issued may have the said property returned to him, upon giving to the Seizing Officer or the Clerk good and sufficient security for such debt as the plaintiff may establish on the trial, and the costs of suit incurred to that time, or paying the same.

53. In case several warrants of attachment issue against the same person, the proceeds of the property seized shall be distributed *pro rata* upon the judgments obtained at the time of such distribution, but no such distribution shall be made until a reasonable time, in the opinion of the Stipendiary Magistrate, has been given to creditors to proceed to judgment.

54. Where a warrant of attachment has been issued at any time after service of a summons upon the defendant, the cause shall be proceeded with as if no such warrant had been issued.

55. If on trial of any case in which a warrant of attachment has been issued it appears, on proof to the satisfaction of the presiding Stipendiary Magistrate, that the creditor who sued out such warrant had not reasonable cause for taking such proceedings, he shall recover no costs of his suit.

56. Horses, cattle and perishable goods may, at the written request of any attaching creditor, and upon his furnishing sufficient indemnity, be sold by the seizing officer on ten days' public notice being given in the same way as notices of sale under executions against personal property, the proceeds being paid over to the Clerk immediately after such sale.

#### GARNISHEE.

57. Whenever any debt or sum of money, not being a claim strictly for damages, is due and owing to any party from any other party, either on a judgment of the Court or otherwise, and any debt is due or owing to the debtor from any other party, it shall be lawful for the party to whom such first-mentioned debt or sum of money is so due or owing (hereinafter designated the primary creditor) to attach and recover, in the manner herein provided, any debt due or owing to his debtor (hereinafter designated primary debtor) from any other party (hereinafter designated the garnishee), or sufficient thereof to satisfy the claims of the primary creditor, subject always, to the rights of other parties to the debts owing from such garnishee.

58. Proceedings under the next preceding section shall be by summons in the form "J" of the said Appendix, copies of which shall be served upon the garnisher and upon the primary debtor, unless the last-named service be dispensed with on the hearing, and the proceedings thenceforward shall be the same as in ordinary cases in the Court, the garnisher having all the rights and privileges of a defendant, but execution shall not issue upon any judgment had against the garnisher for a larger amount than the amount owing by him to the primary debtor and costs of suit, or until the amount so owing has (between the garnisher and primary debtor) become due and payable.

59. Service of such summons upon the garnishee shall have the effect (subject to the rights of other parties) of attaching and binding in his hands all debts then owing from him to the primary debtor, or sufficient thereof to satisfy such primary creditor's claim, and a payment into the court by the garnishee of the debt so attached to the extent of the primary creditor's claim shall be a discharge to that extent of the debt owing by the garnisher to the primary debtor, and any payment by the garnisher after service on him of such summons to any one other than the primary creditor, or into the Court as aforesaid, shall be void.

#### INTERPLEADER.

60. When any claim shall be made to or in respect of any goods, chattels, moneys, securities or other property taken in execution, or attached under process from a Court, or the proceeds or value thereof by any landlord for rent, or by any person not being a party against whom such process has issued, the officer charged with the execution of such process may apply to the Clerk of the Court within the jurisdiction of which such property has been so taken, and whether before or after any action has been brought against such officer, and sue out an interpleader summons on the form "K" of the Appendix at the end of this Ordinance, and such summons shall be a stay of any such action, and shall be served on the execution or attaching creditor and claimant, and shall be returned in such time and manner as a writ of summons in an ordinary action, and shall come on for hearing as in ordinary cases, and at regular sittings of the Court.

61. In cases of interpleader the costs shall, as a rule, abide the event of the issue, except the Stipendiary Magistrate presiding at the hearing shall otherwise order, and the costs of the Sheriff or other officer in respect of the same, shall be costs on the issue; but in the first instance shall be paid to him by the execution or attaching creditors.

62. Pending the adjudication of any such claim the Sheriff or other officer may, upon proper security being given to him by bond or otherwise for the forthcoming and delivery to him of the property so taken or the value thereof when demanded, permit the claimant to retain possession of the same until there shall be final adjudication in respect of the same; but in every such case it shall be competent for the said Sheriff or other officer, at any time he shall see fit, to resume the actual and absolute possession and custody of the said property, notwithstanding such bond or security.

#### REPLEVIN.

63. Whenever any goods, chattels or other personal property or effects have been wrongfully distrained or otherwise wrongfully taken or detained, the owner or other person capable of maintaining an action of trespass or trover for such wrongful distress, taking or detention may bring an action of replevin for the recovery thereof and for the recovery of the damages sustained by reason of such unlawful caption or detention, but nothing herein contained shall authorize the replevying any property seized by the Sheriff or any other officer charged with the execution of any process issued out of the Court.

64. Writs of replevin shall be issued by the Clerk of the Court upon the plaintiff or his duly authorized agent making an affidavit before the Clerk.

(1.) Embodying a description of the property sought to be replevied and the value thereof, to the best of the deponent's belief, and that the person claiming as the owner or is entitled to the possession of the said property.

(2.) Further stating if replevin be sought in the case of property distrained for rent or *damage feasant*, that the property was taken under color of a distress for rent or *damage feasant*, as the case may be.

(3.) Or in the case of property wrongfully taken out of the possession of the claimant, or fraudulently got out of his possession, stating in addition to the particulars required by sub-section one of this section the time (which must be within three calendar months) and the wrongful or fraudulent manner in which the same was taken or gotten out of his possession, and such facts and circumstances as show that the claimant is entitled to the possession of the property, and that an action of trespass or trover would not be complete remedy.

65. Before the Clerk shall issue the writ, which shall be in the form "L" of the said Appendix, and shall describe the property as in the affidavit and directed to the Sheriff, he shall take a bond to himself with approved securities in double the value of the property to be replevied as stated in the affidavit and the writ, which bond shall be in the form "M" of the said Appendix and be assignable to the defendant in the form "N" of the said Appendix.

66. The Sheriff or other officer charged with the execution of any such writ, shall not serve the same upon the defendant until he has replevied the property described in the writ, or such part thereof as can be found; and in case the said Sheriff or other officer has good reason to suspect that the property to be replevied or any part thereof, is secured, contained or concealed in any dwelling-house, building or enclosure of the defendant or of any other person keeping or holding the same; and the said Sheriff or officer demands from the owner, occupier or other person in charge of the premises aforesaid, deliverance of the said property, and the same shall not be delivered upon such demand he may, and if necessary he shall (but only between sun-rise and sun-set) break open such premises and enter and search the same for the purpose of replevying the property demanded, and if found therein replevy the same.

67. Upon replevy of the property described in the writ, or such part thereof as can be found, the Sheriff, or other officer, having the writ as aforesaid, shall serve a copy of the same upon the defendant personally, if he can be found, otherwise by leaving a copy at his usual or last place of abode, with his wife or some other grown person, being a member of his household or an inmate of the place or house where the defendant resided or resides or makes his home as aforesaid, and upon making such service as aforesaid shall make return of the said writ to the Clerk of the Court, and transmit annexed thereto a description of the articles replevied and the value thereof to the best of his judgment, and if such description does not cover all the property named in the writ, the reason why he has been unable to replevy the same, together with an affidavit of the manner in which the said writ has been served on the defendant, and the date and place of such service, and proceedings thereafter shall be as in ordinary actions.

68. Upon a verdict for the defendant, or upon the plaintiff being non-suited, the defendant may proceed in his own name upon the bond as assignee thereof.

#### SURROGATE.

69. Stipendiary Magistrates shall respectively have power, jurisdiction, and authority to issue process and hold cognisance of all matters relative to the granting of probates and committing letters of administration as well to grant probates of wills and commit letters of administration of the goods of persons dying intestate leaving estates, goods, rights, or credits in the North-West Territories, and to revoke such probates and letters of administration, to hear and determine all questions,

causes and suits in relation to the matters aforesaid and to all matters and causes testamentary, similar to those possessed by the Surrogate Courts of Ontario, on the first day of January, A.D. 1878, except trials by Jury, and the rules and forms in force and use in the said Surrogate Courts of Ontario, on the first day of January, A.D. 1878, shall, so far as they are suited to the circumstances of the said Territories, apply therein.

70. The grant of probate or letters of administration shall belong to the Stipendiary Magistrate within whose Judicial District as fixed by this Ordinance the testator or intestate was residing, or in case of death without the North-West Territories, the Judicial District within which the testator or intestate had at his death real personal property, but if no Stipendiary Magistrate be resident in such Judicial District, then to the nearest resident Stipendiary Magistrate; and probate and letters of administration by whatever Stipendiary Magistrate granted shall, unless revoked, have effect over the personal effects of the deceased in all parts of the said Territories.

71. It shall be lawful for a Stipendiary Magistrate on proof before him on oath that the property of a deceased person is going to waste, for want of a caretaker, to order possession thereof to be taken by some person, the same being first inventoried, and to be kept until a legal representative of such deceased person has been duly appointed.

#### GUARDIANSHIP.

72. Upon the application of any infant, friend, or any relative of such infant, made to the Stipendiary Magistrate resident in the Judicial District within the limits of which such infant is living, or in case there be no Stipendiary Magistrate resident as aforesaid, then to the nearest Stipendiary Magistrate, and the production of proof on oath before such Stipendiary Magistrate that such infant has no father living or any legal guardian authorized by law to take care of his personal property, and that his mother is alive, or that she is dead, the Stipendiary Magistrate aforesaid having fixed a time for the hearing of such application, and having caused the mother, if alive, and such other person as he may think proper to be notified of such intended hearing, may, after hearing the parties, appoint some suitable person or persons to be guardian or guardians of such infant, a proper bond having been first given as hereinafter provided for the due care of and accounting for such infant's estate whenever required by law so to do, and for the purposes aforesaid, such Stipendiary Magistrate shall have and possess all the powers and authorities as in the Province of Ontario are vested in the Surrogate Courts and Judges thereof, and the rules of practice and forms of proceeding as they existed on the first day of January, A.D. 1878, shall, so far as suited to the circumstances, apply, and the guardians of such infants so appointed during their guardianship shall have authority to act for and in behalf of the said ward, may appear in any Court and prosecute or defend any action in his name, shall have the charge and management of his estate, real and personal, and the care of his personal education, and in case the infant is under the age of fourteen years, may, with the approbation of one of Her Majesty's Justices of the Peace, and the consent of such ward, or if over fourteen years of age, with such ward's consent only, place and bind him an apprentice to any lawful trade, business or employment, such apprenticeship not extending beyond twenty-one years of age, and the said Stipendiary Magistrate by whom any guardian or guardians has or have been appointed, or the Stipendiary Magistrate for the time being resident in the judicial district where such letters of guardianship were issued, may, upon reasonable complaint made and sustained, or cause shown to his satisfaction, remove such guardian or guardians from his or their guardianship and appoint another or others in his or their stead.

73. Every person to whom letters of administration or guardianship are committed shall give a bond to the Stipendiary Magistrate granting the same, and his successors in office, with one or more sureties, as may be required by the said Magistrate, in such form and in such penalty as he may direct.

74. All proceedings taken under the provisions of the five next preceding sections of this Ordinance shall be returned by the Stipendiary Magistrate taking the same to the Clerk of the Court, whose office is at or nearest the official residence of such Stipendiary Magistrate, to be placed on record in his office in a book specially kept for such purpose.

#### MISCELLANEOUS.

75. Orders made for the payment of money previous to the passing of this Ordinance by any Stipendiary Magistrate under the provisions of Section seventy-one of "North-West Territories Act, 1875 and 1877," may, at the request of the parties entitled to receive such money and on payment of the sum of one dollar to the Clerk, be entered up as judgments of any one of the said Courts, whereupon the same proceedings may be had and taken as in ordinary judgments of the Court.

76. Any act, matter or thing to be done, and any duty to be performed by the Clerk under and by virtue of this Ordinance may be done and performed as fully and effectually by the Stipendiary Magistrate, whether a Clerk has been appointed or not, the Stipendiary Magistrate accounting to the Lieutenant-Governor for any fees received by him for Clerk's duties performed.

77. Until proper seals for the different Courts, as required by Section two of this Ordinance, are procured all process may be issued without any seal whatever, and shall have the same force, virtue and legality as if a proper seal as authorized by this Ordinance were attached thereto.

78. The Ordinance, No. 10 of 1877, entitled: "An Ordinance respecting the Administration of Justice," is hereby repealed.

79. This Ordinance may be cited as "the Administration of Civil Justice Ordinance, 1878."

A true copy of Ordinance passed by the Lieutenant-Governor of the North-West Territories in Council, on the 2nd day of August, A.D. 1878, which I certify.

(Signed) A. E. FORGET,

*Clerk of Council, N.-W. T.*

#### *Appendix of Forms and the Schedule referred to in the foregoing Ordinance.*

##### FORM "A" (*Vide Section 6.*)

I, \_\_\_\_\_ do swear that I will truly and faithfully perform the several duties of Clerk of the \_\_\_\_\_ Court, to which I have been appointed, without fear, favour or malice. So help me God.

Sworn before me at  
in the North-West Territories, this  
day of \_\_\_\_\_ A.D. 187 \_\_\_\_\_

##### FORM "B" (*Vide Section 6.*)

Know all men by these presents that we, \_\_\_\_\_ (Esquiro) and \_\_\_\_\_ of \_\_\_\_\_ (Gentleman), do hereby jointly and severally for ourselves and every of our heirs, executors and administrators, covenant and promise that \_\_\_\_\_ Clerk of the \_\_\_\_\_ Court, shall duly account for and pay over to every person whomsoever entitled to the same, all moneys as the said \_\_\_\_\_ shall receive by virtue of the said

office of Clerk, and shall well and faithfully do and perform the duties imposed upon him as such Clerk by law, and shall not misconduct himself in the said office to the damage of any person being a party to any legal proceeding.

Nevertheless, it is hereby declared that no greater sum shall be recovered upon this covenant against the several parties hereto than five hundred dollars each.

Executed in duplicate this \_\_\_\_\_ day of

A.D. 18

In presence of

(L.S.)

(L.S.)

FORM "C" (*Vide Section 11.*)

CANADA,  
North-West Territories. }

In the \_\_\_\_\_ Court.

Victoria, by the Grace of God, of the United Kingdom, of Great Britain and Ireland, Queen Defender of the Faith, &c., &c.

To \_\_\_\_\_ of \_\_\_\_\_ You are hereby (as before or as often before you were summoned, if summoned before) summoned to be and appear at the sittings of this Court, to be holden at \_\_\_\_\_ A.D. 18 \_\_\_\_\_ at \_\_\_\_\_ day of \_\_\_\_\_

the hour of ten o'clock in the forenoon, to answer the claim of \_\_\_\_\_ a copy of which claim is hereunto annexed.

And take notice, in the event of your not so appearing, the said \_\_\_\_\_ may proceed to judgment against you by default, with costs.

Issued at \_\_\_\_\_ in the \_\_\_\_\_ day of \_\_\_\_\_ North-West Territories, this \_\_\_\_\_ A.D. 18 \_\_\_\_\_

*Clerk of the Court.*

N.B.—Case will not be heard unless service of the summons be made at least twenty days before the sittings of the Court named herein, or unless the parties consent thereto.

FORM "D" (*Vide Section 13.*)

*Affidavit of Service.*

I, \_\_\_\_\_, do swear that I did, on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 18 \_\_\_\_\_, serve \_\_\_\_\_ named in the within summons, with a copy of the said summons and claim thereto annexed by the delivery of the same.

And that, to effect such service, I necessarily travelled \_\_\_\_\_ miles.

Sworn before me at

A.D. 18

this

day of

FORM "E" (*Vide Section 15.*)

CANADA,  
North-West Territories. }

In the

Court.

To

Plaintiff  
Defendant

You and each of you are hereby subpoenaed to be and appear before this Court  
as Witnesses for the on the trial of this cause at the sittings  
to be held at on the  
day of , A.D. 18 . And take notice, that on failure to  
attend as aforesaid (without showing good cause therefor), you are severally liable  
to be fined twenty dollars, or to be imprisoned for ten days.

Issued at

the  
, A.D. 18 .

day of

FORM "F" (*Vide Section 28.*)

CANADA,  
North-West Territories. }

In the

Court

Between

and

Plaintiff

Defendant

Judgment for

Witness fees allowed \$

Costs taxed \$

Total of Judgment \$

Clerk of the Court.

FORM "G" (*Vide Sections 30 and 32.*)

CANADA,  
North-West Territories. }

In the

Court

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ire-  
land, Queen, Defender of the Faith, etc., etc.

To

You are commanded that of the (goods and chattels and personal property), or  
(lands and tenements as the case may be) of in the  
North-West Territories, you cause to be made  
dollars and cents,

which

lately by

the judgment of the said Court recovered against him for  
and that you cause the said money, together with the fees for execution thereof, to  
be returned to the Clerk of the said Court, together with this writ immediately after  
the execution thereof.

Issued at

this

day of

A.D. 18

Clerk of the Court.



FORM "H" (*Vide Section 47.*)

CANADA,  
North-West Territories. }

In the Court.

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, etc., etc.

To

Whereas, lately by a judgment of this Court recovered possession of at the suit of the said against

You are commanded without delay to cause the said to have possession of the said property. And you are also commanded that of the goods and chattels of the said you cause to be made dollars awarded by the said judgment to the said for costs of suit.

And in what manner you shall have executed this writ, certify to this Court immediately after the execution thereof with this writ.

Issued at this day of A.D. 18

*Clerk of the Court.*

FORM "I" (*Vide Section 49.*)

CANADA.  
North-West Territories. }

In the Court.

Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c.

To

You are commanded to attach, seize and safely keep all the real estate and personal property, credits and effects, together with all evidences of title, debts, books, and book accounts or other documents, vouchers and papers belonging thereto or otherwise of to secure and satisfy

a certain debt or demand of \$

(the sum sworn to) with his costs of action, and to satisfy the debt and demand of such other creditors of the said as shall duly

(within the time allowed by law) sue out their writs of attachment and prosecute the same to judgment. And the said is commanded

that unless he appears at the sittings of the Court to be held at on the day of

, A.D. 18

at ten o'clock in the forenoon, to answer such claims, the said may proceed to judgment and execution against him by default, with costs, without any further notice.

And we command you the said that so soon as you shall have executed this writ, you do return the same with an affidavit of service and a certificate of your action thereunder.

Issued at this day of

18

*Clerk of the Court.*

N.B.—The case will not be heard unless service of this process be made at least twenty days before the sittings of the Court named herein, or unless the parties consent thereto.

FORM "J" (*Vide Section 58.*)

CANADA.  
North-West Territories. }

Between

and

and

Court.

Plaintiff and Primary Creditor

Defendant and Primary Debtor

Garnishee.

You the above-named Garnishee, and you the above-named Primary Debtor, are hereby summoned to appear at the sittings of this Court to be holden at  
on the day of

A.D. 18 , at the hour of ten o'clock in the forenoon, to state and show whether or not you, the said Garnishee, owe any and what debt to the Primary Debtor, and why you should not pay the same into Court to the extent of the claim set forth in the demand thereunto annexed. And take notice, that in default of you so appearing, the Plaintiff may proceed to judgment and execution against you, the said Garnishee, to the extent of the Plaintiff's claim, with costs.

Issued at this day of  
A.D. 18 .

Clerk of the Court.

N.B.—The case will not be heard unless service of this summons be made at least twenty days before the sittings of the Court named therein, or unless the parties consent thereto.

FORM "K" (*Vide Section 60.*)

CANADA.  
North-West Territories. }

In the  
Between

and

To

Court,  
Plaintiff,

Defendant,

Claimant,  
Plaintiff.

You the said claimant are hereby summoned to appear at the sittings of this Court, to be holden at on the day of

, A.D. 18 , at ten o'clock in the forenoon, touching a claim made by you, the said claimant, to certain goods and chattels, to-wit : seized, or taken in execution, or under attachment (as the case may be) and in default of your then establishing such claim, the said goods and chattels will be sold or the money, &c., paid and delivered over (if the question be about money) according to the exigency of the said process.

And you, the said Plaintiff, are hereby notified that hath made the claim aforesaid to the goods and chattels (as the case may be) seized and taken under process in this action, and are hereby summoned to appear, and be at the sittings of this Court, at the place and hour aforesaid, when the said claim will be adjudicated upon, and such order made thereupon as the Court shall deem fit.

Issued at this day of  
, A.D. 18 .

Clerk of the Court.

N.B.—The case will not be heard unless service of this summons be made at least twenty days before the sittings of the Court named therein, or unless the parties consent thereto.

FORM "L" (*Vide Section 65.*)

CANADA.  
North-West Territories. }

In the Court.  
Victoria, by the Grace of God, of the United Kingdom of Great Britain and  
Ireland, Queen, Defender of the Faith, &c., &c.

To  
You are hereby commanded without delay to cause to be replevied to  
his goods, chattels, and personal property following, that is to say,  
which the said alleges to  
be of the value of dollars, and which  
hath taken and unjustly detained (or unjustly detains, as the case may be) as it is  
in order that the said may have his just remedy in that  
behalf, and to summon the said to be and appear to answer  
the said complaint at the Court holden at on the  
day of , A.D. 18 . Otherwise the said may  
proceed to judgment and execution against you by default, with costs.

Issued at in the  
North-West Territories this day of  
A.D., 18

*Clerk of the Court.*

N.B.—The case will not be heard unless service of this writ be made at least  
twenty days before the sitting of the Court named therein, unless the parties consent  
thereto.

FORM "M" (*Vide Section 65.*)

Know all men by these presents that we  
of  
of  
and  
of are jointly and severally  
held and firmly bound to  
the Clerk of the Court in  
the sum of dollars of lawful  
money to be paid to the said Clerk, his successor in office, or either of their assigns,  
for which payment well and truly to be made, we bind ourselves and each and every  
of us in the whole, our and every of our heirs, executors and administrators firmly by  
these presents sealed with our seals, dated this day of  
one thousand eight hundred  
and

The condition of this obligation is such that if the above bounden  
do prosecute his suit with  
effect and without delay against  
for taking and unjustly detaining (or unjustly detaining  
as the case may be) of his goods, chattels and personal property, that is to say:  
(as in the affidavit filed) and do make a return of the property, if a return thereof  
be adjudged, and if the plaintiff fail in his action, do and shall pay the Defendant  
such damages as he  
shall sustain by reason of the issuing of the writ of replevin against the said Defendant,  
then this obligation to be void or else to remain in force.

Signed sealed, and delivered in presence of

(L. S.)  
(L. S.)  
(L. S.)

FORM "N" (*Vide Section 65.*)

Know all men by these presents that I  
 Clerk of the  
 Court, at the request of the within named  
 do hereby assign over to him this Replevin Bond, pursuant  
 to the ordinance in such cases made and provided.  
 As witness my hand and seal at the  
 day of A.D. 18  
 Sealed and delivered in presence of

(L.S.)

SCHEDULE (*Vide Section 37.*)

TABLE of fees referred to in the foregoing Ordinance.

| Clerk's Fees,   | Where claim is for not exceeding |         |          |               |
|---|----------------------------------|---------|----------|---------------|
|   | \$100.                           | \$400.  | \$1,000. | Over \$1,000. |
|   | \$ cts.                          | \$ cts. | \$ cts.  | \$ cts.       |
| Receiving each claim and issuing summons or other process thereon (except Subpoenas)..... | 1 00                             | 2 00    | 3 00     | 5 00          |
| Entering every judgment.....  | 1 00                             | 2 00    | 3 00     | 5 00          |
| Every Subpoena.....   | 0 50                             | 1 00    | 1 00     | 1 00          |
| do copy of summons and every necessary copy of other process.                             | 0 50                             | 0 50    | 0 50     | 0 50          |
| do do of Subpoena.....  | 0 25                             | 0 25    | 0 25     | 0 25          |
| Hearing fee in cases not actually contested.....  | 1 00                             | 2 00    | 2 00     | 2 00          |
| do in contested cases.....  | 2 00                             | 4 00    | 6 00     | 10 00         |
| Preparing and having executed every necessary bond.....                                   | 2 00                             | 2 00    | 2 00     | 2 00          |
| Making copies of papers (per folio).....  | 0 15                             | 0 15    | 0 15     | 0 15          |
| Affidavits (each).....  | 0 50                             | 0 50    | 0 50     | 0 50          |
| Certificate with Seal of Court.....   | 0 50                             | 0 50    | 0 50     | 0 50          |
| Every search by any one not a suitor, unless the same is over one year old.....           | 0 25                             | 0 25    | 0 25     | 0 25          |
| Every other search.....   | 0 50                             | 0 50    | 0 50     | 0 50          |

|  |         |
|--|---------|
| Preparing, transmitting civil case for appeal.....   | \$10 00 |
| do papers for Probate of Will or letters of administration or guardianship and issuing the same..... |         |
| If estate sworn under \$500.00.....  | 10 00   |
| If over \$500.00 and under \$1,000.00.....   | 15 00   |
| If over \$1,000.00 and under \$5,000.00.....   | 20 00   |
| If over \$5,000.00.....  | 30 00   |

And the actual cost of every advertisement.

## SERVICE FEES.

|  |         |
|--|---------|
| For every service of process .....   | \$ 0 50 |
| Fee for seizing or replevying property .....   | 2 00    |
| Mileage for every mile necessarily travelled in executing process or serving papers..... | 0 10    |

Poundage on money realized under execution.

For the first \$1,000.00, two and a half per cent.

On all over \$1,000.00, one per cent.

Taking care of property replevied or attached such sum in each case as the Stipendiary Magistrate may order.

Certified.

(Signed)

A. E. FORGET.

No. 5 of 1878.

**AN ORDINANCE RESPECTING LIMITATION OF ACTIONS IN CERTAIN CASES.**

[Passed, 2nd August, 1878.]

Be it enacted by the Lieutenant-Governor of the North-West Territories in Council, as follows:—

All actions for the recovery of merchants' accounts, bills, notes, and all actions of debt grounded upon any lending, or other contract without specialty, shall be commenced and sued within six years after the cause of such actions arose or when such cause has already arisen, then within six years from the passing of this Ordinance; provided that nothing in this Ordinance shall prevent any debtor from settling up any statute of limitations, which on the fifteenth day of July, one thousand eight hundred and seventy, he could have successfully pleaded.

A true copy of Ordinance passed by the Lieutenant-Governor of the North-West Territories in Council, on the 2nd day of August, A.D. 1878, which I certify.

(Signed)

A. E. FORGET,

*Clerk of Council, N.W.T.*

No. 6 of 1878.

**AN ORDINANCE RESPECTING FEES IN SUMMARY TRIALS.**

[Passed, 2nd August, 1878.]

Be it enacted by the Lieutenant-Governor of the North-West Territories in Council, as follows:—

1. The fees mentioned in the schedule at the end of this Ordinance, shall be and constitute the fees which Justices of the Peace, constables and witnesses shall be entitled to demand and receive in all cases of summary convictions and orders in the said Territories, unless, in cases when other fees are expressly prescribed by statute of Canada or Ordinance of said Territories.

2. All or any laws or Ordinances, which are or may be in force, in the North-West Territories, inconsistent with this Ordinance, are hereby repealed.

A true copy of Ordinance, passed by the Lieutenant-Governor of the North-West Territories, in Council, on the 2nd day of August, A.D., 1878, which I certify.

(Signed)

A. E. FORGET,

*Clerk of Council, N.W.T.*

## SCHEDULE.

*Justices of the Peace.*

|   |        |
|---|--------|
| Information or complaint or summons or warrant..... | \$1 00 |
| Every copy of summons .....                         | 0 25   |
| Warrant of distress.....                            | 0 75   |
| do commitment.....                                  | 0 75   |
| Subpoena to witnesses.....                          | 0 25   |
| Hearing and determining the case.....               | 1 00   |
| Conviction or order.....                            | 1 00   |
| Recognizance and return.....                        | 0 75   |

*Constables.*

|  |      |
|--|------|
| Service of each summons or warrant.....  | 0 50 |
| Mileage for service of summons for each mile necessarily travelled .....                                     | 0 10 |
| Mileage for executing warrant for each mile necessarily travelled.....                                       | 0 10 |
| Attendance on trial, levying on distress warrant and returning the same shall be at the rate of per day..... | 2 00 |

*Witnesses.*

|  |      |
|--|------|
| For each day's attendance in Court.....          | 1 00 |
| Mileage for each mile necessarily travelled..... | 0 10 |

(Signed)

A. E. FORGET.

No. 7 of 1878.

## AN ORDINANCE TO PROVIDE FOR THE APPOINTMENT OF CONSTABLES.

[Passed 2nd August, 1878.]

Be it enacted by the Lieutenant-Governor of the North-West Territories in Council, as follows:—

1. It shall be lawful for any Justice of the Peace, in writing, to appoint one or more constables whose powers and duties as such shall extend to the whole of the North-West Territories, such appointment to be in force until the thirty-first day of December, then next following the date of such appointment, or until the execution of any powers on the said thirty-first day of December in his hands, unexecuted.

2. Every constable so appointed shall, before entering on the duties of his office, take and subscribe before a Justice of the Peace the following oath:—

I, \_\_\_\_\_, having been appointed constable for the North-West Territories, do solemnly swear that I will truly, faithfully and impartially perform the duties appertaining to the said office according to the best of my skill and ability. So help me God.

A true copy of Ordinance passed by the Lieutenant-Governor of the North-West Territories, in Council, on the 2nd day of August, A.D., 1878, which I certify.

(Signed)

A. E. FORGET,

Clerk of Council, N.-W.T.

No. 8 of 1878.

## AN ORDINANCE AUTHORIZING THE APPOINTMENT OF NOTARIES PUBLIC.

[Passed 2nd August, 1878.]

Be it enacted by the Lieutenant-Governor of the North-West Territories in Council, as follows:—

It shall be lawful for the Lieutenant-Governor to appoint, under the seal of the North-West Territories, one or more Notaries Public for the said Territories; and every Notary Public so appointed shall have, use and exercise all the powers, rights and authorities usually belonging to the calling of Notaries Public.

A true copy of Ordinance passed by the Lieutenant-Governor of the North-West Territories in Council, on the 2nd day of August, A.D. 1878, which I certify.

(Signed)

A. E. FORGET,

Clerk, Council, N.W.T.

No. 9 of 1878.

## AN ORDINANCE RESPECTING MARRIAGE.

[Passed 2nd August, 1878.]

Be it enacted by the Lieutenant-Governor of the North-West Territories in Council, as follows:

1. The minister and clergyman of every church and religious denomination, duly ordained and appointed according to the rites and ceremonies of the churches and denominations to which they respectively belong, and resident in the North-West Territories by virtue of such ordination or appointment, and according to the rights and usages of their own respective churches or denominations, and Justices of the Peace in and for the said Territories, by virtue of their office, may solemnize marriage between any two persons not under a legal disqualification to contract such marriage.

2. After the coming into force of this Ordinance no Justice of the Peace shall solemnize marriage unless duly authorized so to do by license under the hand and seal of the Lieutenant-Governor; and no minister or clergyman shall solemnize marriage unless authorized so to do by license of the Lieutenant-Governor as aforesaid, or unless the intention of the two persons by publication of banns of matrimony has been proclaimed at least once openly and in an audible voice on a Sunday in some public religious assembly: Provided that, in case of a minister or clergyman being remote from any issuer of marriage licenses, or finding that there is some reasonable inconvenience or objection to publish such banns, on satisfying himself that there is no impediment by reason or affinity, consanguinity, precontract or other lawful cause to the proposed marriage, he may celebrate the marriage, and thereupon shall insert in the certificate of marriage hereinafter required words to the following effect:

"And I further certify that previous to performing such marriage, I fully satisfied myself that there was no legal impediment to the said parties intermarrying."

3. Marriage licenses shall be in the form "A" at the end of this Ordinance, and shall be supplied from the office of the Lieutenant-Governor to such persons as he may from time to time appoint to issue the same to applicants for such licenses.

4. Every license executed under the hand and seal of the Lieutenant-Governor shall be and remain valid, notwithstanding the Lieutenant-Governor who signs the same has ceased to hold office before the time of its issue.

5. Every issuer of marriage licenses shall sign each license as the same is issued by him.

6. Before a license is granted by any issuer, one of the parties to the intended marriage shall personally make an affidavit before him to the effect of the Form "B," at the end of this Ordinance.

7. In case the issuer has knowledge or reason to suspect that any of the statements in the affidavit of any applicant for a marriage license are not correct, the said issuer shall require further evidence to his satisfaction before issuing the license, and a copy of all such affidavits and evidence shall be placed on file in his office.

8. The father, if living, of any person under twenty-one years of age (not being a widower or widow); or, if the father is dead, then the mother of the minor, or, if the mother is dead, then the lawfully-appointed guardian or the acknowledged guardian who may have brought up, or for three years immediately preceding the intended marriage supported or protected the minor, shall have authority to give consent to such marriage.

9. Every issuer of marriage-licenses shall, on the first days of January and July in each year, make a return to the Lieutenant-Governor of all licenses issued by him during the preceding six months, with the names of the parties to whom issued, and shall accompany such return with the original affidavit taken in each instance, and whenever called upon, return to the Lieutenant-Governor all unissued licenses, the property of which shall remain vested in Her Majesty.

10. All marriages shall be solemnized in the presence of two or more credible witnesses besides the Minister, Clergyman or Justice of the Peace, performing the ceremony; and every person solemnizing a marriage shall keep duplicate certificates of the same in the form "C" at the end of this Ordinance, one of which duplicates he shall return, and the other he shall, on or before the first day of January or July, whichever shall first thereafter occur, transmit to the Registrar of Deeds in and for the North-West Territories. He shall also on request of the parties to any marriage, give him or her a copy of such certificate.

11. The Clerk of the Council shall, on application, supply printed forms for complying with the provisions of the next preceding Section.

12. The Registrar of Deeds in and for the North-West Territories shall keep on file in his office all returns of marriages made to him under the provisions of this Ordinance. He shall also record the same in a book specially kept for that purpose, and for performing such services the Registrar shall be entitled to receive from and out of the General Revenue of the Territories the sum of fifty cents for each record. He shall also on application of any party furnish a copy of the record of any certificate of marriage in his office on receiving fifty cents, which said copy certified by such Registrar under his hand and seal shall be received as *prima facie* evidence of the marriage named therein by all parties administering justice in the Territories.

13. There shall be payable to every issuer of marriage licenses, on the issue of each license by him, the sum of three dollars, of which such issuer shall be entitled to retain one dollar as his fee; the remainder he shall pay over to the Lieutenant-Governor, to form part of the revenue of the Territories, with each return made by such issuer.

14. Any person issuing a marriage license without being authorised by the Lieutenant-Governor on that behalf; and any issuer of licenses granting a license without first obtaining the affidavit required by this Ordinance; and any person celebrating a marriage after the first day of January, one thousand eight hundred and eighty, contrary to the provisions of Section two of this Ordinance, shall respectively, on summary conviction before a Stipendiary Magistrate, for every such contravention, forfeit and pay a fine not exceeding one hundred dollars.

15. No minister, clergyman or justice of the peace, who performs a marriage in conformity with the provision of Section two of this Ordinance, shall be subject to



any action or liability for damages or otherwise, by reason of there having been any legal impediment to the marriage, unless at the time when he performed the ceremony he was aware of the impediment.

A true copy of Ordinance passed by the Lieutenant-Governor of the North-West Territories in Council, on the 2nd day of August, A.D. 1878, which I certify.

(Signed) A. E. FORGET,  
Clerk, Council, N.W.T.

*Forms referred to in the foregoing Ordinance.*

FORM "A" (*Vide section 3.*)

CANADA,  
North-West Territories. }  
[L.S.]

LIEUTENANT-GOVERNOR.

These are to certify that A. B. of and C.D.  
of being minded, as it is said, to enter into the contract of marriage, and being desirous of having the same duly solemnized, the said A.B. (or C.D.) has made oath that he (or she) believe that there is no affinity, consanguinity, pre-contract or any other lawful cause or legal impediment to bar or hinder the solemnization of the said the marriage.

And these are therefore to certify that the requirements, in this respect, of the Ordinance respecting marriages have been complied with.

Issued at in the North-West Territories this day of A.D.  
18 .

*Issuer of Licenses.*

Form "B" (*Vide section 6.*)

I, A B, (or C D) make oath } Bachelor (or widower).  
and say as follows : } Spinster (or widow).

1. I and C D (or A B) } Spinster (or widow).  
of } Bachelor (or widower).

Are desirous of entering into the contract of marriage, and of having our marriage duly solemnized at

2. According to the best of my knowledge and belief there is no affinity, consanguinity, pre-contract, or any other lawful cause or legal impediment to bar or hinder the solemnization of the said marriage.

3. I am the age of years, and the said C D (or A B) is of the age of years.

4. (In case one of the parties is under the age of twenty-one years, add)  
E F, of , is the person whose consent to said marriage is required by law, and the said E F has formally consented to the said marriage,  
(or if both parties are under age) E F of , and G H of

, are the persons whose consent to the said marriage is required by law, and the said E F and G H have formally consented to the said marriage.

(Or if in the case of one of the minors there is no person whose consent is required by law, add according to the facts:)

The father of the said C D (or A B) is dead, and the mother of the said C D (or A B) is dead, and the said C D (or A B) having no lawfully appointed or acknowledged guardian, there is no person who has authority to give consent to the said marriage.

(In case both parties are minors and there is no person whose consent is required by law, add a similar statement concerning the other party according to the facts.)

(Signed)

A B (or C D)

Sworn before me at \_\_\_\_\_, in the North-West Territories, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 18 \_\_\_\_\_.

(Signed)

*Issuer of Licenses.*

FORM "C."

(Vide Section 10.)

CANADA, NORTH-WEST TERRITORIES.

| Name of Parties. | Whether Bachelor or Widower. Spinster or Widow. | Ages. | Residence. | Birth Place (if known.) | By License, Banns or otherwise. | Names of Witnesses. |
|------------------|---|-------|------------|-------------------------|---------------------------------|---------------------|
|                  |   |       |            |                         |                                 |                     |

I hereby certify that the above named parties were married by me this day, in the presence of the above named witnesses.

Dated at \_\_\_\_\_, in the North-West Territories, this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 18 \_\_\_\_\_.

*Minister, Clergyman or Justice of the Peace.*

We, the undersigned, Witnessed the union }  
by marriage of the above named parties. }

K. L.

M. N.

(Signed)

A. E. F.

No. 10 of 1878.

## AN ORDINANCE RESPECTING FENCES.

[Passed 2nd August, 1878.]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows:—

1. Any fence four feet and six inches high, the lower rail not more than one foot from the ground, and no other rails more than eight inches apart, except the top rail of worm fences, and any river bank or other natural boundary reasonably sufficient to protect growing crops from domestic animals, shall be a lawful fence.

2. Whenever any owner or occupier of land erects a line or boundary fence, the owner or occupier of the adjoining land shall, so soon as he encloses it by connecting cross fences with the said line fence, pay to the former the fair value of one-half of so much of the said line fence as forms one side of the enclosure; and each of the owners or occupiers of adjoining lands shall make, keep up and repair a just proportion equal to one-half of the fence forming a boundary between them, and any one of such persons failing to do so after one week's notice from his neighbour shall compensate such neighbour to the value of the work done in making and repairing the same.

3. In case any interested parties disagree as to what is a lawful fence, or as to the just proportion of a line fence which each of the adjoining owners or occupiers should make or keep in repair, or render compensation therefor, on complaint of either of such parties made before a Justice of the Peace, such Justice may hear and determine such matter of dispute in a summary way.

4. The owner of any horse, mule or neat cattle, which shall break into any field or enclosure surrounded by a lawful fence, shall be liable for all damages caused thereby, which damages may be recovered before a Justice of the Peace summarily.

5. Orders made by Justices of the Peace under any of the provisions of this Ordinance for the payment of moneys or costs shall, on nonpayment for one month after such order, be enforceable by distress and sale of the delinquent's personal property liable to seizure under execution for debt as in cases of summary convictions.

A true copy of Ordinance passed by the Lieutenant-Governor of the North-West Territories, in Council, on the 2nd day of August, A.D. 1878, which I certify.

(Signed)

A. E. FORGET,

Clerk, Council, N.W.T.

No. 11 of 1878.

## AN ORDINANCE TO INCORPORATE THE ROMAN CATHOLIC BISHOP OF ST. ALBERT.

[Passed 2nd August, 1878.]

Whereas the very Reverend Vital Grandin, Roman Catholic Bishop of the Diocese of St. Albert, which is comprised within the North-West Territories, has demanded by petition addressed to the Lieutenant-Governor of the North-West Territories in Council, to be incorporated and authorized to acquire and possess landed property in the said territories for religious purposes; and whereas such demand is for the advantage especially of the Roman Catholic subjects of Her Majesty, and is in itself just; Be it therefore enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows:—

1. The Very Reverend Vital Grandin, Roman Catholic Bishop of St. Albert, and each of his successors in the said diocese in communion with the Church of Rome, shall be, and is by these presents declared and established a corporate body, in fact and in name, under the name of "La Corporation Episcopale Catholique Romaine de St. Albert," and under this name, shall have the right of succession in perpetuity, and shall have a corporate seal, and may, from time to time, by and with the advice of two members of his clergy, modify, renew, or otherwise change at pleasure such corporate seal, and may under the name aforesaid, from time to time, and during all time, have, hold, purchase or acquire by gift or purchase, and possess and enjoy for the uses particularly and generally of charities, for ecclesiastical purposes or for the purposes of education in his diocese any lands, tenements, hereditary property, rents, annuities, and all other property whatsoever, moveable or immoveable, in the said territories not exceeding in the whole six thousand acres.

2. The said corporation, under the name aforesaid, is empowered by, and with the advice hereinafter mentioned, from time to time, to sell, exchange, alienate, mortgage, let, lease or otherwise dispose of any part of any such real estate, and under the name aforesaid may sue or be sued in all Courts of Law and Equity, which now or may hereafter have jurisdiction in the said Territories, in the same way and with the same rights and advantages as all other corporations or persons whatsoever.

3. It shall be lawful for every person to whom, or in whose name, lands, tenements, or hereditary property are now or may hereafter devolve in trust, or otherwise, for the said Roman Catholic Church, to cede, sell or transfer, from time to time, by deed, all or any of the said lands or tenements to the Bishop for the time being of the aforesaid diocese, and for the said Bishop or his successors to hold the said lands for the purposes provided by this Ordinance.

4. It shall not be lawful for the said Bishop or his successors to execute any deed of sale, lease or transfer of all or of any part of the lands, tenements, hereditary property acquired or possessed by him under this Ordinance without the consent and approbation of two members of his clergy, who shall be chosen or nominated by the said Bishop, such choice or nomination, and such consent appearing on the face of every such deed, lease or transfer in writing which the parties purpose to execute, and being duly attested by the said Bishop and the said two members of his clergy, so chosen or nominated, who shall become contracting parties, and shall sign all deeds, leases or transfers as parties respectively consenting thereto.

5. On the occurrence of any vacancy in the said bishopric, or in case of the absence of the said Bishop, or of any of his successors, or of his being incapacitated by sickness, or any other cause, or unable to attend to his diocesan duties, then and in such case the member of his clergy who shall have been officially selected and nominated for the due administration of diocesan affairs, or in case of such member of the clergy not having been chosen, then such powers shall be vested in the oldest member of said clergy, under the same conditions which are conferred upon the said Bishop by this Ordinance.

6. This Ordinance shall be a public Ordinance.

A true copy of Ordinance passed by the Lieutenant-Governor of the North-West Territories, in Council, on the 2nd day of August, A.D. 1878, which I certify.

(Signed) A. E. FORGET,

Clerk of Council, N.W.T.

No. 12 of 1878.

## AN ORDINANCE RESPECTING THE MARKING OF STOCK.

[Passed, 2nd August, 1878.]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows:—

1. In this Ordinance, the word "mark" shall mean brand or mark, and the word "stock" shall include any horse, mule, ass, swine, sheep or goat, as well as any neat cattle or animal of the bovine species.

2. The Lieutenant-Governor may, whenever he thinks it desirable that the provisions of this Ordinance should apply to any part of the North-West Territories, set apart, by proclamation, any portion thereof to form and be known as a stock district, and designated by a number, commencing with "one," and so on as different districts are so set apart, and this Ordinance shall apply only to stock districts so set apart.

3. Upon the receipt of such proclamation by the Stipendiary Magistrate within whose judicial district such stock district is formed, he shall cause copies of the same to be posted up in three public places in the stock district aforesaid.

4. Upon the publication of such proclamation the office of such Stipendiary Magistrate shall be a general office for the recording of marks in his judicial district, and the Clerk (hereinafter called the Recorder) of Stipendiary Magistrate shall be the official required to record the same.

5. The Recorder, upon the application of any person, desiring a recorded mark, shall designate the particular mark to be used by such applicant, and define the place and position it shall occupy on the animal; consulting always the choice or convenience of applicants, so far as may be, without interfering with previously recorded marks.

6. The Recorder shall keep a record of all marks, with the name and residence of the persons owning the same, in a book suitable for that purpose (which book shall be free to the inspection of all persons interested), and he shall furnish to any person on application, a certified copy of any mark so recorded, which certificate shall be deemed evidence in law.

7. The Recorder shall, on the first day of every month, send to the Stipendiary Magistrate resident at Battleford a copy of each mark which has been recorded by him during the preceding month, upon receipt of which the last-named Stipendiary Magistrate shall compare each mark so received with those previously received by him, and if he finds that any of them are the same or so closely resemble others already received as to be mistaken therefor, he shall return such copy to the Recorder with a notification to that effect; and the Recorder, upon receiving such notification, shall notify the owner, who shall have no further claim upon the said mark; otherwise the Stipendiary Magistrate shall file in his office, and enter in a book to be kept for that purpose, every copy so received, which book and copies shall be open to the inspection of all persons desiring the same.

8. Any person using a like mark in the position or place recorded by another, shall be liable, on conviction in a summary manner before a Justice of the Peace, to a fine of not more than fifty dollars, and in default of payment of such fine, to imprisonment not exceeding forty days, for each offence.

9. It shall, and it is hereby made the duty of every person who sells stock of any kind to another party, to "vent" his mark by inverting the original mark either close to or upon the original mark, said vent mark may be at least one-half the size, but of the type of the original mark, and the venting of such original shall be *prima facie* evidence of sale or transfer.

10. The following fees shall be payable to the officials mentioned in this Ordinance:—

|  |        |
|--|--------|
| To the recording each mark, copy of same, and mailing to Stipendiary Magistrate, at Battleford. ....                                   | \$2 00 |
| Fee to accompany copy sent to Battleford for Clerk of the Stipendiary Magistrate for fyling and recording, or returning said copy..... | 2 00   |
| For each certified copy of every recorded mark.....  | 50     |
| For every search for mark.....   | 25     |

A true copy of Ordinance passed by the Lieutenant-Governor of the North-West Territories in Council, on the 2nd day of August, A.D. 1878, which I certify.

(Signed)

A. E. FORGET,

*Clerk of Council, N.W.T.*

No. 13 of 1878.

### AN ORDINANCE RESPECTING STALLIONS.

[*Passed 2nd August, 1878.*]

Be it enacted by the Lieutenant-Governor of the North-West Territories in Council, as follows:—

1. No Stallion of one year old or upwards shall be permitted to run at large within ten miles of any settlement in the North-West Territories.

2. Any person who finds a Stallion unlawfully permitted to run at large may capture and confine the same, and as soon thereafter as conveniently practicable shall notify the owner thereof, if known to such captor, and if such owner do not within a reasonable time after receiving such notice, take away such horse, and pay the captor thereof five dollars for his trouble, and twenty-five cents per day for the keep of the said horse every day it has been in his custody, such owner shall be liable, on prosecution in a summary way before a Justice of the Peace, to a fine not exceeding twenty dollars, together with costs of prosecution, fee for capturing and the cost of keeping the horse as aforesaid, which said fee and the cost of keeping the horse as aforesaid, shall be paid over on collection, to the person who captured him; and in default of payment of such fine, fee and costs, the Justice of the Peace may grant his warrant to levy the same by distress and sale of the goods and chattels of the owner of such horse.

3. When the owner of any Stallion so captured and confined is unknown to the captor, the said captor shall apply to a Justice of the Peace, who shall cause a notice to be posted up in three public places in the neighborhood, and likewise cause an advertisement to be published in the *Official Gazette* or some newspaper in the Territories, if such there be, describing such horse, and to whom application therefor may be made, for at least three months; and if within that period, the owner of said horse be found, then he shall receive delivery thereof on the conditions set forth in the next preceding Section and paying the expenses for advertising; but if at the end of the three months no owner be found for such horse, then the said Justice, or in his absence, any other Justice of the Peace, may after ten days notice cause the said horse to be sold, and out of the proceeds of such sale, pay five dollars and the cost of keeping the horse to the captor thereof, and after defraying all other expenses, pay over the balance to the Lieutenant-Governor of the said Territories, to be dealt with as he in Council shall deem proper.

A true copy of Ordinance passed by the Lieutenant-Governor of the North-West Territories in Council, on the 2nd day of August, A.D. 1878, which I certify.

(Signed)

A. E. FORGET,

*Clerk, Council, N.W.T.*

No. 14 of 1878.

## AN ORDINANCE RESPECTING POISONS.

[*Passed 2nd August, 1878.*]

Be it enacted by the Lieutenant-Governor of the North-West Territories in Council, as follows :—

1. It shall be unlawful for any person, except as hereinafter provided, to use or cause to be used, within the North-West Territories, any strychnine or other poison, for the purpose of capturing or destroying any animal, or to place it for any purpose whatsoever where it can be reached by any animal.

2. In the neighborhood of settlements, or where there are herds or flocks of domestic cattle, the safety of which is endangered by wolves or such like destructive wild animals, or in any other part of the said Territories not frequented by Indians, any person, on application to a Stipendiary Magistrate or Justice of the Peace, if such Magistrate or Justice of the Peace is satisfied of the necessity of so doing in the public interest, may obtain from the same, a license, for a period not exceeding three months, to set out strychnine or other poison, between sunset and sunrise, at not more than ten places, other than on a public road or trail, inside of a radius of ten miles from his own residence, or other places specially named in the licence, for the purpose of destroying such wild animals.

3. The said licence, for issuing which any Justice of the Peace shall be entitled to charge one dollar, may be in the following form :—

"A.B., who resides at \_\_\_\_\_, is hereby permitted to set out strychnine or other poison between sunset and sunrise, for the purpose of destroying wolves or other such like wild animals at ten different places, other than on a public road or trail, within a radius of ten miles from \_\_\_\_\_, for a term not exceeding \_\_\_\_\_ month from the date of this licence.

"Given under my hand at \_\_\_\_\_ this \_\_\_\_\_ day 18 \_\_\_\_\_

"(Signed) \_\_\_\_\_ S. M. (or J. P.)"

4. Every person convicted of an infraction of any of the provisions of this Ordinance, shall be liable to a fine not exceeding one hundred dollars, with costs of prosecution, and in default of payment, to be imprisoned for a time not exceeding three months.

5. Prosecutions under this Ordinance may take place in a summary way before a Stipendiary Magistrate or Justice of the Peace, and in prosecutions, upon information, whereby conviction is secured, and a fine paid or collected, the informer shall be entitled to receive one-half of the said fine.

6. After the passing of this Ordinance, the Act passed by the late Council of the North-West Territories, intituled: "An Act prohibiting the importation of strychnine and other poisons into the North-West Territories," and the Act passed by the said Council intituled: "An Act to amend the Act intituled 'The Poisons' Act,'" shall have no force or effect within the limits of the North-West Territories as now by law defined.

A true copy of Ordinance passed by the Lieutenant-Governor of the North-West Territories in Council, on the 2nd day of August, A.D. 1878, which I certify.

(Signed)

A. E. FORGET,

*Clerk of Council, N.W.T.*

